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## Weekly Bulletin



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EDITOR

### Court Holds City Must Pay Damages for Typhoid.

In June and July of 1920 there were between 125 and 150 cases of typhoid fever in Pittsburg, California. Investigations made then established the fact that, a short time before the appearance of the epidemic, the apparatus for treating the city water supply, drawn from the Sacramento River, had been out of commission for a period of at least one day. The city was accused of neglect in failure to provide potable water for its residents and nineteen persons who suffered from typhoid fever during the outbreak polled their interests and brought suit against the city for damages incurred through illness or death.

The case was heard by Judge J. A. Plummer of Stockton, Judge of the Superior Court, who awarded the nineteen plaintiffs damages in the amount of \$32,821.29. The largest amount awarded to any one of the plaintiffs was \$12,500.

Following are extracts from Judge Plummer's opinion:

It appears to be the law that actual notice of knowledge of the unwholesomeness of the water furnished by the defendant is not an essential element to be proven in order to establish liability. It is sufficient that there is testimony tending to show that defendant, in the exercise of the reasonable care, might have discovered the unwholesomeness and dangerous condition of the water. (See *Jones vs. Mt. Holly Water Company*, 93 Atl. 860.) This case is also an authority to the point that it is not necessary that there be any proof of the actual existence of typhoid germs in the water contained the bacillus coli, or fecal matter liable to carry typhoid germs. There seems to be no dispute in this case but that the raw water in New York Slough contained bacillus coli in considerable quantity and therefore

liable to carry disease-breeding germs which have their origin in fecal matter.

### Law Plainly With Plaintiff.

As to the burden of proof in cases similar to the ones at bar, it is also fairly well established that the plaintiff is not bound to eliminate all other possible causes of the disease, where it is alleged that the defendant has furnished polluted water, but has sustained the burden of proof, when sufficient evidence has been introduced from which it may be fairly deduced, that the cause of the disease is attributed to water furnished by the defendant. (See *Stubbs vs. City of Rochester*, 226 N. Y. 516, and 5 A. L. R. 1396 and extended note.) In that case it appears from the opinion of the court that sixty different persons were affected by typhoid fever. The court says: "The consumption of contaminated water is a very frequent cause of typhoid fever and in all about sixty individuals who drank the water had suffered from typhoid fever in that neighborhood, appeared as witnesses in behalf of the plaintiff."

In the case at bar, it appears that the plaintiffs all drank water furnished by the defendant city; that in some instances the plaintiffs also drank water derived from other sources. It also appears in testimony as heretofore stated, that there were between 125 and 150 cases of typhoid fever at about the same period of time when the plaintiffs in these actions were affected, and, according to Dr. Kelly, were all water-borne in character. A number of other cases might be cited, but the ones referred to clearly set forth the law, and are typical of what is held in the cases cited by the counsel and examined by the court.

### Epidemic Water Borne.

That the epidemic under consideration was water-borne in character seems to the court an inescapable conclusion when all the evidence is fairly and carefully considered. First, it had all the characteristics of such an epidemic, as shown by the expert witnesses who made personal investigation; second, there is no testimony of any polluted milk having been furnished by the New York dairy, to which reference was made in the testimony. There is no evidence that any of the vegetables or



fruits consumed by the residents of Pittsburg were contaminated. Such sources were presented to the court as possibilities, but, under the testimony referred to, can not be considered as probabilities.

#### Probable Cause Questions Answered.

Regarding the probable cause, Judge Plummer said:

"It appears from the testimony that the water system then in use by the city of Pittsburg consisted of the following units: A pumping plant, to which was connected a chlorinating drum, or apparatus; that the pumping plant in its operation, through its suction system, drew into the city pipes raw water, and a certain percentage of chlorine gas; that a certain quantity of alum was then incorporated with the water and passed on to coagulating tanks, or settlers, and from thence, by means of an additional pumping plant, was forced through a system of filters, consisting of three large tanks of a capacity of 6000 gallons each, the water supply passing through only one of these tanks, the three tanks or filters being used in order to give capacity to the system. After passing through the filters, the water was forced into a tank holding sometimes over a hundred thousand gallons, raised to a considerable elevation, and thence by gravity carried out through the distributing pipes over the city of Pittsburg. That when the system was working in perfect order the raw water was chlorinated, treated to alum, passed into coagulating tanks, thence through the filtration system, and on to the gravity tanks and out to the city, and when working as just stated, furnished to the city a pure and wholesome supply of water.

#### Proper Working of System Necessary.

"It is also fairly, and the court may state, necessarily deducible from the evidence, that when water is taken from New York Slough, being a polluted source, the proper working of all portions of the system just set forth was necessary in order to reasonably insure and provide the inhabitants of the city of Pittsburg with potable water, suitable for drinking and other domestic purposes, and that a defect in any portion of the system would militate strongly against its effectiveness."

#### Quotes Testimony Given.

In his decision, Judge Plummer touched upon the testimony of William T. Griffith, night pumpman, and Superintendent Wight, of the city of Pittsburg, as follows:

"The testimony of Superintendent Wight, and the testimony of Griffiths, is to the effect that the chlorinating plant was inoperative during the hours in question by the reason of the fact that a drum containing chlorine gas had fixtures that did not permit of ready attachment to the city's pumping system, and a special device had to be arranged in order to couple the tank to the suction system of the city's plant. The circumstances of the city's water supply being unwholesome in its raw state, being such as to carry notice of its condition, it was incumbent upon the defendant to use all reasonable precautions to render the water fit and wholesome and to give it such treatment as was necessary to produce such results.

### THE HEALTH EXAMINATION.

By HAVEN EMERSON, M.D., Professor of Public Health Administration, Columbia University.

Almost everybody feels when some member of his family or some one of his acquaintances has frequent colds and

a constant wracking cough with loss of appetite, that the proper thing to do is to consult a physician and find out if he has tuberculosis. Under just these circumstances many hundreds of thousands of people have gone to the free tuberculous clinics of New York City for examination. They have there received thorough physical examination and we are glad to report that more than two-thirds of them have been found to be free from tuberculosis. The real trouble with them was something other than tuberculosis. As a result of finding out what ailed them, and following the advice given, many of these people have been treated and cured.

What do you do with your automobile truck, your passenger car, or your farm tractor when something goes wrong with it? You take it to a garage to find out what is the matter and to have it fixed.

Careful, prudent, business-like people get the habit of taking their automobiles or other motor vehicles to be looked over at regular and frequent intervals even when they seem to be going all right in order that they may be kept in good condition. Thus they avoid breakdowns, and serious if not fatal accidents. This is just what careful and prudent people are beginning to do with their own bodies. They do not wait until something goes wrong, but they go to a physician for a good overhauling or examination because they do not want to chance a breakdown with perhaps fatal consequences.

Because so many people now do this, the amount of tuberculosis in this state has been greatly reduced. Because mothers take their well babies to health stations (and at least half the babies born each year in New York City are thus watched by physicians and nurses during the first year of their lives), disorders of infancy are prevented and thousands of baby lives are saved every year. Because people go regularly to the dentist to have their teeth examined while they appear sound, the teeth are saved; much sickness is prevented, and what is more, they have good-looking mouths when they are talking or laughing.

The Health Department may protect your water supply, it may prevent contamination of the milk which you consume, and try to keep you from having smallpox, measles and scarlet fever; but most of the sicknesses which end in untimely deaths can not be prevented by the Health Department. They can be prevented only by the individual taking proper care of himself and his own health. To prevent the major part of



all your sicknesses you should go to your family physician at least once every year for a careful, thorough medical examination. Why not do this now? Why not begin right away? Go to your own physician this very week. Tell him you feel perfectly well—if you do—but that you want to know if you are really in as good physical condition as you seem, for you do not want to get sick this winter. Let him give you a thorough examination and tell you just what he finds out, and what you should do to help keep on feeling and being perfectly well. He knows how to take care of you when you are sick, but you will find it much cheaper and much pleasanter to have him help you keep well than to have him treat and cure you after you are ill. This complete medical examination, which includes a test of the heart, lungs, sight, hearing, bones and joints, nose and throat, and the nervous system, will take only about one-half to one hour.

Most of the large industries now have one or more physicians to make such regular annual examinations of their employees in order that they may not lose time and money through sickness. Labor unions find it pays to safeguard their members by such examinations and early care. Schools require physical examinations of their pupils. Many state and city departments of health give such examinations free of charge to every member of the department.

Why not have this for yourself, for your wife and children, and for any others dependent upon you? It is the only way to avoid a great many of the breakdowns and sicknesses which are so costly, and from which nearly every person suffers sooner or later. It is a great deal cheaper than paying for medicine, nursing, or hospital treatment. Treat yourself as well as you would treat a thoroughbred mule, a good cow, your watch or your Ford car. If everybody would do this early this winter, there would be many thousands of people alive and in good health at this time next year who under other circumstances will probably be overcome by sickness and even by death.

#### The United States Public Health Service and Prevention of Disease.

"The part played by the United States Public Health Service in the prevention of disease is not easy to evaluate," says Surgeon General H. S. Cumming. "Preventing the spread of disease from one state to another

differs markedly from preventing the importation of disease from aboard; and except for the cooperation of the state health authorities, it could have been efficiently carried out only with great difficulty. The United States has authority over interstate traffic; but the several states have sole jurisdiction over traffic within their borders; and cooperation as to health regulations is essential to the adequate protection of passengers. Through such cooperation, formerly conflicting regulations have been harmonized and agreed upon by the Public Health Service and by twenty states in whole and by most of the other states in part; and this has made travel in the United States relatively safe from the standpoint of health. For instance, drinking water on trains and steamboats, which not so very long ago was obtained almost anywhere and which now and then carried typhoid fever germs, must now be taken from sources that have been examined and certified by the state authorities and the Public Health Service jointly.

"Laboratory study of diseases is carried on chiefly by the Service; but field work, by which data for the investigation are obtained and the results are often tested, can be carried on successfully only through the cooperation of the states.

"In even more essentially cooperative work, rural hygiene, for example, it is difficult to say whether more credit for the great success of a particular work is due to the Public Health Service officer who directs, the state health officers who sustain him, or the citizens of the locality who toil so loyally to put the work across.

"During the last twenty years the annual death rate in the United States has dropped for typhoid fever from 35.9 to 9.2 per hundred thousand of the population; for measles from 12.5 to 3.9; for scarlet fever from 10.2 to 2.8; for diphtheria from 43.3 to 14.7; for pneumonia from 180.5 to 123.6; and for all causes from 1,755 to 1,288.

"This wonderful improvement in the health of the country is not due to the work of any one organization but to that of all of them. The Public Health Service, in common with many others in the state health services and in private life, has done its part in working out the methods by which this advance has been attained. The Service, however, has,



perhaps, been a little better able to render help because of its position as a central agency which collected information from everywhere; which trained its officers by sending them (with the cooperation of the state health authorities) to the battle front whenever an epidemic appeared in any state; and which sifted this and all other information that it obtained, digested it, and finally disseminated it so widely by formal printed reports; by newspaper and magazine articles, and by radio broadcasts that it could not fail to come to the attention of a great number of workers who could not otherwise have learned of it, some of whom, failing to learn, might have been unable to carry to completion some task that would have fitted into the walls or might even have capped a pinnacle in the great health structure that the workers of today are building for the benefit of generations yet to come."

## MORBIDITY.\*

### Smallpox.

Thirteen cases of smallpox have been reported, distributed as follows: Alameda County 1, Fresno County 1, Hayward 1, Orange County 2, Red Bluff 1, Sacramento County 1, San Francisco 1, Santa Barbara 1, Stockton 1, Tehama County 2, Ventura County 1.

### Typhoid Fever.

Los Angeles County reported one case of typhoid.

### Cerebrospinal Meningitis.

Three cases of cerebrospinal meningitis have been reported, one being from Sacramento, one from San Francisco and one from Venice.

### Epidemic Encephalitis.

Six cases of epidemic encephalitis have been reported, Los Angeles County, Stockton and Yreka each reporting one and San Francisco three.

\*From reports received to date for last week.

## COMMUNICABLE DISEASE REPORTS.

Disease	1923				1922			
	Week ending			Reports for week ending Mar. 17 received by Mar. 20	Week ending			Reports for week ending Mar. 18 received by Mar. 21
	Feb. 24	Mar. 3	Mar. 10		Feb. 25	Mar. 4	Mar. 11	
Anthrax	0	0	0	0	0	0	1	0
Cerebrospinal Meningitis	3	2	3	3	3	2	1	2
Chickenpox	240	270	252	161	171	176	182	174
Diphtheria	171	150	178	90	160	139	160	174
Dysentery (Bacillary)	0	0	0	0	0	0	0	1
Epidemic Encephalitis	5	3	4	6	2	1	2	3
Gonorrhoea	68	132	172	41	60	118	97	49
Influenza	1263	985	641	232	13195	12197	5841	3289
Leprosy	0	0	1	0	0	0	0	0
Malaria	2	1	2	1	2	0	1	2
Measles	489	572	641	293	24	23	23	15
Mumps	11	33	31	24	106	109	93	98
Pneumonia	228	199	180	70	232	300	310	206
Poliomyelitis	1	1	1	0	2	1	2	0
Scarlet Fever	214	189	218	141	157	132	105	109
Smallpox	19	23	20	13	81	54	58	57
Syphilis	76	117	132	39	87	135	77	92
Tuberculosis	154	75	182	83	185	159	160	198
Typhoid Fever	5	6	6	1	8	14	9	6
Whooping Cough	116	110	138	82	41	56	57	36
Totals	3065	2868	2802	1280	14516	13616	7179	4511